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## Statute and Regulations For Nurseries and CFIP

### **ARTICLE 1. Cooperative Agreements [4671. - 4676.]** **( Article 1 added by Stats. 1965, Ch. 1144. )**

#### **4671.**

The department may, in accordance with the policy of the board, engage in and demonstrate methods of developing, using, and protecting the forest and wild land resources of the state. To accomplish such purpose, it may, with the approval of the Department of Finance, enter into agreements with any agency of government, including the federal government, and with any person, firm, or corporation and may make expenditures for such purpose.  
*(Amended by Stats. 1976, Ch. 1300.)*

#### **4672.**

The department may, in accordance with the policy of the board, engage in surveys of soil, vegetation, and forest products on the forest, range, and watershed lands of the state. The department may, with the approval of the Department of Finance, enter into agreements with any agency of government, including the University of California and the federal government, and with any person, firm or corporation, for the purpose of engaging in cooperative soil, vegetation, and forest surveys and may make expenditures for such purposes.  
*(Amended by Stats. 1976, Ch. 1300.)*

#### **4673.**

The department, with the approval of the Director of General Services, may enter into an agreement with any federal agency for the purpose of investigating the effect of forest cover in the conservation of water and the prevention of erosion on watershed areas.  
*(Amended by Stats. 1976, Ch. 1300.)*

#### **4674.**



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The department may, with the approval of the Department of General Services, enter into a cooperative agreement, upon such terms and under such conditions as he deems wise, for any of the following purposes, with any county, city, or district which makes an appropriation for any such purpose:

(a) The protection and forest management of any lands over which the county, city, or district has jurisdiction.

(b) The reforestation or afforestation on lands within the county, city, or district.

*(Amended by Stats. 1976, Ch. 1300.)*

### 4675.

It is in the public interest and to the benefit of the state that watershed lands are rehabilitated to conserve water and soil and to prevent destructive floods.

In furtherance of this policy, the department may conduct surveys and studies, formulate plans, and perform all acts incidental to establishing and maintaining vegetative cover on watershed lands and maintaining watercourse channels free of natural impediments or destructive materials during peak flood flows, including any work necessary to accomplish these purposes.

With the approval of the Director of General Services, the department may enter into contracts with any federal agency or any person, as defined in Section 4101, for any purpose authorized by this section.

The department, or any federal agency or person which has entered into a contract with the department for any purpose authorized by this section, may, in accomplishing the purpose, enter upon, perform required work upon, and inspect any lands.

*(Repealed and added by Stats. 1985, Ch. 350, Sec. 2.)*

### 4676.

(a) The director may authorize any work for any purpose authorized by Section 4675 as an exercise of the director's emergency powers and may request the assistance of any federal agency or person in connection with that work if any of the following conditions exist:

(1) Natural vegetative cover has been denuded to the extent that precipitation may create floods and serious soil depletion and erosion.

(2) The denuded area is of a size, and the topography and soil characteristics of such a nature, that soil loss and floods will have a significant effect upon watershed values and the public health, safety, or welfare.

(3) Vegetative cover will not be restored by natural means in time to effectively prevent undue erosion and flood runoff.

(4) Woody plants and debris within or adjacent to the watercourse channels in or directly downstream from the denuded areas will significantly impede flood runoff or accelerate channel scour. Prior to commencing any work in response to this condition, the director shall advise the Director of Fish and Game of the proposed work.



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(b) The expenditure of state funds for emergency work authorized under subdivision (a) shall be limited to lands classified as a state responsibility area pursuant to Article 3 (commencing with Section 4125) of Chapter 1. Any contract for emergency work affecting both a state responsibility area and nonclassified lands shall require that the cost of the work be shared proportionately between the department and the other responsible federal agency or person, as defined in Section 4101.

*(Amended by Stats. 1985, Ch. 350, Sec. 3.)*

### **ARTICLE 2. State Nurseries [4681. - 4685.]**

*( Article 2 added by Stats. 1965, Ch. 1144. )*

#### **4681.**

State nurseries shall be maintained under the management of the department for all of the following purposes:

(a) Operation of a state seed bank to provide facilities for the processing and storage of adequate supplies of high-quality seed necessary to protect the genetic integrity and diversity of forest tree and plant species, giving emphasis to those native species threatened with extinction.

(b) Reforestation of public and private lands, giving preference to forest land which has been substantially damaged by fire, flood, insects, disease, or other natural causes.

(c) Production for sale of tree seedlings planted for purposes of meeting resource conservation standards required pursuant to Section 4561 and the rules and regulations of the board. For this purpose, the department shall take whatever steps are necessary to ensure to the maximum degree feasible that the seedlings are adapted to the planting site, and represent an appropriate diversity of forest species.

(d) Propagation and distribution of tree seedlings of the species *Taxus brevifolia* (Pacific yew) for research related to taxol in the treatment of cancer.

*(Amended by Stats. 1992, Ch. 756, Sec. 10. Effective January 1, 1993.)*

#### **4682.**

The department shall construct and maintain such buildings, improvements, and equipment, and shall employ and fix the compensation of such employees as may be necessary to carry out this article.

*(Amended by Stats. 1976, Ch. 1300.)*

#### **4683.**

The department may purchase nursery stock and seed, and may distribute stock or seed for the following purposes:



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- (a) Public planting or reforestation of public lands, giving emphasis to forest and watershed land which has been substantially damaged by fire, flood, insects, disease, or other natural causes.
  - (b) Restoration of native tree and plant species threatened with extinction.
  - (c) Establishment of experimental plantations of *Taxus brevifolia* (Pacific yew) for the purpose of research related to taxol in the treatment of cancer.
  - (d) Soil erosion control, watershed protection, or farm windbreaks.
  - (e) The production of forest products and farm woodlot products on private lands.
- (Amended by Stats. 1992, Ch. 756, Sec. 11. Effective January 1, 1993.)*

### 4684.

Trees, plants, nursery stock, and seeds which are sold pursuant to this article shall be sold at prices that are established by the department and approved by the board.

*(Amended by Stats. 1976, Ch. 1300.)*

### 4684.5.

Notwithstanding Section 4684, the director may give such forest seedlings or native plants for the purposes of reforestation or soil erosion control at the end of each season's sales as are, in his determination, surplus, to private persons or nonprofit organizations for planting on state, federal, or other public property. Any person or nonprofit organization requesting such surplus forest seedlings or native plants shall provide such information as the director determines is necessary to insure that the forest seedlings or native plants will be planted on public property and that they are sufficiently compatible with the proposed planting area to have a reasonable chance for survival.

*(Amended by Stats. 1976, Ch. 1300.)*

### 4685.

The Governor, on behalf of the state, may receive all conveyances or donations of real or personal property necessary to vest in the state the title to any site for a state nursery and to any equipment and supplies that are donated for a state nursery.

*(Added by Stats. 1965, Ch. 1144.)*

## **ARTICLE 2. Land Protection and Improvement [4781. - 4788.]**

*( Article 2 added by Stats. 1965, Ch. 1144. )*

### 4781.

The people of the state have a direct interest in the protection and improvement of public and private lands which are principally used or useful for range or forage purposes for domestic livestock and wildlife. This article is enacted in



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furtherance of that interest to provide not only for controlled land clearance and revegetation of such lands but also having as its objective fire prevention and protection, watershed protection and conservation, and the prevention of soil erosion.

*(Added by Stats. 1965, Ch. 1144.)*

### 4782.

This article shall be administered by the department.

*(Amended by Stats. 1976, Ch. 1300.)*

### 4783.

The department may enter into contracts or cooperative agreements with any person, firm, public or private corporation, district, or municipal corporation, or other political subdivision of the state, or any group or combination of them, that owns or controls brush-covered land within any state responsibility area for the purpose of engaging in controlled land clearance and revegetation, including the burning of brush from such lands, or portions of such lands, under the supervision of the department or by the department.

*(Amended by Stats. 1976, Ch. 1300.)*

### 4784.

In furtherance of such contracts and agreements, and also independently of them, the department shall engage in experimental land clearance and revegetation of such lands in the interests of protection and improvement of range and forage lands and shall also engage in such research in connection with it as will enable it to determine the value of such methods in relation to the several purposes and interests of the people of the state as set forth in this article.

*(Amended by Stats. 1976, Ch. 1300.)*

### 4785.

The department shall from time to time prepare reports setting forth data as to the experiments so conducted and its findings and conclusions with reference thereto and submit these reports to the board for its guidance and assistance in determining the policy to be followed by the board with reference to range and forage lands. The board shall make these reports available to the Legislature.

*(Amended by Stats. 1976, Ch. 1300.)*

### 4786.

In making such experiments and in conducting or supervising land clearance pursuant to the agreements or contracts contemplated by this article, the



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department shall have available such fire crews and firefighting equipment as it deems reasonably necessary to prevent the spread of any fire from the area proposed to be cleared, if such equipment and fire crews are not needed for the control of wildfire.

*(Amended by Stats. 1976, Ch. 1300.)*

### 4787.

The department, with the approval of the board, may make such regulations as are necessary to effectuate the purposes of this article.

*(Amended by Stats. 1976, Ch. 1300.)*

### 4788.

The department may accept contributions of money from any private source to carry out the powers and duties imposed upon it by this article.

*(Amended by Stats. 1976, Ch. 1300.)*

## **ARTICLE 2. Land Protection and Improvement [4781. - 4788.]**

*( Article 2 added by Stats. 1965, Ch. 1144. )*

### 4781.

The people of the state have a direct interest in the protection and improvement of public and private lands which are principally used or useful for range or forage purposes for domestic livestock and wildlife. This article is enacted in furtherance of that interest to provide not only for controlled land clearance and revegetation of such lands but also having as its objective fire prevention and protection, watershed protection and conservation, and the prevention of soil erosion.

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*(Amended by Stats. 1976, Ch. 1300.)*





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### **§ 1527. Eligible and Ineligible Practices.**

(a) The following practices and combinations thereof as set forth in PRC 4794 are eligible for assistance through cost sharing agreements if they are completed in accordance with these procedures and the conditions of a cost sharing agreement:

(1) Preparation of management plans and addendums to management plans satisfying 14 CAC 1529.1.

(2) Site preparation as necessary to establish desirable tree species. Mechanical, chemical, and manual methods will be permitted to control and/or remove competing brush and hardwood species. Other methods include but are not limited to prescribed burning of brush and slash, and soil preparation such as plowing, disking, and fertilizing.

(3) Provision and planting of seed and seedlings of commercial tree species. Costs of said seed and seedlings from public and private nurseries are eligible for cost sharing. Planting includes manual and mechanical planting of seed and seedlings and subsequent protection of those seed and seedlings.

(4) Stand improvement within young growth stands of commercial tree species including clean and release or precommercial thinning of overstocked stands to provide more growing space for healthier stems.

(5) Forest land conservation measures including but not limited to erosion control, revegetation, road closure and stabilization of abandoned roadbeds, and improvement of drainage facilities for the purpose of reducing soil erosion and sedimentation.

(6) Fish and wildlife habitat improvement work including but not limited to stream clearance, reestablishment of desirable vegetation along stream channels and elsewhere, measures to encourage habitat diversity, restoration of anadromous fisheries, and fencing to protect wet areas and other key wildlife habitat areas from livestock.

(7) Followup work includes those practices necessary to promote the survival of seed or seedlings planted or protection or enhancement of other practices undertaken as part of a prior project pursuant to the Act and these procedures.

(b) The following categories of work are not eligible for cost sharing even if one or more may be required to make a project serve its purpose:

(1) Fencing practices designed to protect the forest stand from livestock.

(2) Practices designed to protect the forest stand from fire.





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(3) Costs of using land and water including but not limited to irrigation systems, spring development and water resource improvement.

(4) Road construction.

(5) Practices intended solely to produce Christmas trees or greenery.

(6) Projects designed solely for the production of fuelwood.

### **§ 1527.1. Project Eligibility.**

A proposed project must satisfy the following conditions to be eligible for a cost sharing agreement:

(a) The practices proposed to be financed by the cost sharing agreement are designated by 14 CAC 1527 as eligible for cost sharing.

(b) The eligibility conditions for cost sharing agreements set forth in PRC 4797 are satisfied.

(c) The application requirements of PRC 4799 and 14 CAC 1529.1 are satisfied.

(d) The application for the cost sharing agreement has been approved by the Director and signed by the participant before the participant begins any practice to be financed by the agreement except preparing a management plan.

(e) To be eligible for a contract, of the type referenced in PRC Section 4797, the land proposed for the project must be forest land with demonstrated potential for improved forest resource management according to the following criteria:

(1) The area of land owned by the applicant within and contiguous to the project is 20 acres (8.094 ha) or more. This limitation does not apply to projects which involve only forest land conservation practices and fish and wildlife habitat improvement practices.

(2) The area proposed for a project which involves timber related practices described in paragraphs (2), (3), (4), or (7) of 14 CAC 1527(a) is 5 acres (2.034 ha) or more.

(3) There are no known factors which prohibit any of the practices proposed and, if the proposed project involves timber related practices described in paragraphs (2), (3), (4), or (7) of 14 CAC 1527(a), there are no factors which foreseeably may prohibit the eventual harvest of commercial forest products from the project area.

(f) "Adversely affected" land under Section 4794(d)(1) includes, but is not limited to, timberland adjacent to (but which is not itself) burned timberland from which burned timber is not immediately removed.



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### **§ 1530. Cost Sharing Schedules.**

When the Director enters into agreements with landowners pursuant to the provisions of PRC Section 4795, he/she may share 80% of the lesser of either:

- (a) The landowner's actual cost to accomplish the project or;
- (b) The prevailing cost of the practices proposed for the project as determined by the Director according to 14 CAC 1530.1, or 90% of either of the same if the applicant satisfies any one of the following four conditions:
  - (1) The applicant owns less than 500 acres (202.350 ha) of forest land in California.
  - (2) Ten percent or more of the total cost of the project will be devoted to forest land conservation measures and/or fish and wildlife habitat improvement practices.
  - (3) The project or other actions of the landowner will increase recreational opportunities for the public.
  - (4) The project will be carried out primarily by persons living in the county or in counties adjacent to where the project will take place.

### **§ 1530.05. Waiver of Cost Sharing.**

The Director may waive the landowner cost share requirement when the state's funding source for the authorized forest improvement work prohibits cost share requirements.

### **§ 1530.1. Prevailing Costs.**

By April 15 each fiscal year, the Director shall submit to the Board for its review a schedule of the prevailing costs of performing the practices eligible for cost sharing payments in various regions of the state. The schedule shall apply to all cost sharing agreements signed in the next fiscal year. At any time, the Director may submit amendments in the schedule to the Board for its review; such changes shall become effective upon Board approval or 75 days after submission to the Board unless the Board acts to change such amendments.

### **§ 1532. Application Review and Filing.**

- (a) The Director shall continuously accept for review applications for cost sharing agreements to finance projects as long as there is reasonable assurance that funds will be available to finance such agreements.
- (b) Only when an application is complete and the proposed project is eligible for a cost sharing agreement shall the Director file the application.



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(c) When the Director finds an application incomplete or that the proposed project is not eligible for a cost sharing agreement, the application shall be returned to the applicant stating what additional information is needed and the reasons that the proposed project is not eligible for a cost sharing agreement.

### **§ 1532.1. Public Notice of Project Application.**

The Director may provide public notice above and beyond that already required by CEQA by sending copies of filed applications to the Department of Fish and Game, the Department of Parks and Recreation, the appropriate county planning agency, and California Regional Water Quality Control Board, any other agency with responsibilities related to the project, and the interested public.

### **§ 1532.2. Preliminary Project Review.**

(a) The Director shall conduct a preliminary review of each project proposed in a filed application by inspecting the project area and undertaking the environmental evaluation required by CEQA to determine that the applicant, the parcel, and the specific practices proposed for the project satisfy the purposes and criteria set forth in the Act, these procedures, CEQA, and all other applicable state laws, regulations, and administrative procedures.

(b) If the Director is unable to make the determination set forth in paragraph (a) of this section, then the Director shall return the application to the applicant and state the additional conditions, if any, under which the Director would be able to make such a determination. Upon receiving the returned application, the applicant may either:

(1) Incorporate such additional conditions into the proposed project and resubmit the application for preliminary review, or;

(2) Request that the Director personally reconsider his or her decision as provided in Article 7 (14 CAC 1540 through 1542).

### **§ 1533. Ranking and Approval of Filed Applications.**

The Director shall periodically rank all filed applications for cost sharing agreements according to the following priority rating table. The Director may then approve filed applications in order of priority, giving consideration to administrative constraints such as seasonal variations in applications and the availability of funds that might apply to different types of projects. The Director may give preference to proposed projects which consist only of forest land conservation practices and fish and wildlife habitat improvement practices to the extent necessary to comply with PRC 4794(c).



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### Priority Rating Table

Factor	Priority Rating
1. Site Productivity <a href="#">[FN1]</a> to be used only for forestry practices.	
Site I	10
Site II	8
Site III	6
Site IV	4
Site V	1
2. Proposed project cost as a percentage of maximum prevailing cost for project.	
Less than 50%	5
51-60%	4
61-70%	3
71-80%	2
81-90%	1
3. Management Plan Cost as a percentage of total project cost.	
10% or less	5
11-20%	3
21 + %	1
4. Zoning of Project Area	
Timberland Production Zone	5
Open Space General (20 acre minimum)	3
Other	1



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5. Project area timberland substantially damaged by fire, insects, disease, or other natural causes within 36 months. [\[FN2\]](#) 5
6. Percent of the cost of the project that will be devoted to forest land conservation practices or fish and wildlife habitat improvement practices.
- |        |   |
|--------|---|
| 10 + % | 5 |
| 5-10%  | 3 |
| 1-5%   | 1 |
7. The landowner owns less than 500 acres (202.350 ha) of forest land in California. 5
8. The applicant agrees to offer recreational opportunities for the public. 1
9. A small business entity will carry out the proposed project<sup>3</sup> 1
10. The project involves follow-up work that is necessary to protect investments of a previous project 1
1. The project is located in a county with high unemployment [\[FN4\]](#)
12. The project offers relatively more employment opportunities [\[FN5\]](#)
13. The project will be carried out by persons living in the county or on counties adjacent to the county where the project will take place.
- 1 Timber site classification will be determined in the management plan according to 14 CAC 1060. Rating shall reflect a weighted average of all sites on the project area. Timber site classification will be determined in the management plan according to 14 CAC 1060. Rating shall reflect a weighted average of all sites on the project area.
- 2 Criteria for substantially damaged lands specified in 14 CAC 1085.1.
- 3 See PRC 4793(q) for a definition of small business entity.
- 4 See PRC 4793(a) for a definition of a county with high unemployment.
- 5 A project shall offer relatively more employment opportunities if the product of the number of man-hours per dollar of project cost and the proportion of the project devoted to wages and salaries is greater than the average of the same product for all projects being considered at the same time. Man-hours and reimbursements relative to RPF services shall be excluded from the calculation.



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### **§ 1535. Applicant Notification.**

The Director shall notify all applicants that their applications were approved or rejected. An applicant whose application was rejected may either resubmit the application according to 14 CAC 1533 if there are no substantial deviations in the proposed project or request that the Director personally reconsider the decision as set forth in Article 7 (14 CAC 1540 through 1542).

### **§ 1535.1. Cost Sharing Agreements.**

Cost sharing agreements financing projects shall:

- (a) Comply with all state laws, regulations, and administrative procedures;
- (b) State that the Director may inspect the project area at any time to assure compliance with the agreement;
- (c) State that the Director may take action necessary to recover funds as specified in 14 CAC 1542 and PRC 4797.5.

### **§ 1536. Project Completion Report.**

A participant shall submit a Project Completion Report to the Director upon completion of the project or any component thereof eligible for in-progress payments as specified in the cost sharing agreement. The Project Completion Report shall include all itemized invoices for practices financed by the cost sharing agreement, including where applicable, an itemized account of all costs incurred by the participant in services, equipment, and cash expenditures while completing the practices specified in the cost-sharing agreement.

### **§ 1536.1. On-Site Inspection.**

The Director shall inspect the project:

- (a) Whenever the landowner submits a Project Completion Report;
- (b) Whenever a participant requests to change the terms or conditions of a cost sharing agreement;
- (c) Before disbursing any cost sharing payments or requesting any refunds upon termination or amendment of agreements, or bringing legal action for violation of any agreement.

### **§ 1540. Return of Application.**

Whenever the Director rejects a final application for a cost sharing agreement, or establishes conditions following a Preliminary Review that are unacceptable to an applicant, the Director shall return the application to the applicant and state the reasons for rejecting the application.



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The applicant may request that the Director personally reconsider the decision to reject the application if the request is made within 10 days of the return of the application. The request shall identify the applicant and the proposed project and briefly state the applicant's reasons for requesting that the Director personally reconsider the decision. The Director shall consider the application and all correspondence from interested parties while reviewing the decision.

### **§ 1541. Final Decision by the Director.**

If the Director finds that the decision to reject the application conforms to these procedures and the Act, the Director shall uphold the decision to reject the application. If the Director finds that the decision to reject the application does not conform to these procedures and the Act, the Director may approve the application.

### **§ 1542. Recovery of Funds.**

(a) Pursuant to these procedures and the Act, a participant in a cost sharing agreement shall refund any cost sharing payments in the event of any of the following:

(1) The filing of an application to rezone the parcel(s) to which the project applied to a zone permitting a land use(s) incompatible with forest resource management, as set forth in PRC 4797.5;

(2) A violation of a contract pursuant to PRC 4797;

(3) A finding by the Director that the participant has not complied with the terms of a cost sharing agreement and a subsequent order by the Director that the participant refund any cost sharing payments advanced.

### **§ 1545. Wildlife Protection.**

(a) Riparian vegetation found along stream and lakes, and within marshes, wet meadows, and other wet areas shall be retained and protected except when managed as part of a fish and wildlife habitat improvement practice and necessary mitigation measures to minimize damage from these practices have been imposed.

(b) All snags within the stream and lake protection zone and all live trees and snags with visible evidence of use as nesting and roosting sites by rare, endangered, or threatened bird species shall be left undisturbed. Participants are encouraged to leave all snags undisturbed.





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(c) No practices may be performed on lands designated special treatment areas due to their importance as key habitat for rare and endangered animals or plants unless an environmental evaluation conducted according to 14 CAC 1532.2 indicates that a proposed practice(s) will improve such habitat.

(d) Participants are encouraged to retain some older acorn producing black oaks, create deer forage lanes in brushfields, and plant other vegetation to promote species diversity and improve wildlife habitat when such practices are not in conflict with program goals.

(e) If existing vegetation other than riparian is necessary to maintain stream temperatures, such vegetation shall not be removed.

(f) Domestic water supplies will receive the same review and consideration as that required for special treatment areas.

### **§ 1545.1. Stream and Lake Protection.**

(a) Throughout the course of the project, the applicant shall keep all streams and lakes below the stream and lake transition line free of slash, debris, and other material that will harm fish, wildlife, or other beneficial uses of water. Accidental deposits will be removed immediately.

(b) No tractors, trucks, cars, and other machinery shall be serviced adjacent to lakes or streams, or within wet meadows and other wet areas, or in other areas where such servicing will permit grease, oil, or fuel, or other toxic substances to enter lakes or streams or wet areas.

(c) Except when performing fish and wildlife habitat improvement practices or forest land conservation practices, heavy earth-moving equipment working on the project area shall be prohibited from working within 50 feet (15.24 m), slope distance, of the stream or lake transition line. Wider protection zones may be required following an environmental review of the project conducted according to 14 CAC 1532.2.

(d) The participant shall be responsible for complying with applicable sections of the Fish and Game Code and local ordinances.

### **§ 1545.2. Wet Meadows, Marshes, and Other Wet Areas.**

No activities shall be permitted in wet meadows, marshes, and other wet areas unless such activities are forest land conservation practices of fish and wildlife habitat improvement practices and necessary mitigation measures to minimize damage from these practices have been imposed.



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### **§ 1545.3. Erosion Control.**

(a) Brush scalped with a bulldozer off slopes shall be windrowed along the contour. Windrowed brush shall be disposed of by burning prior to planting or seeding.

(b) Heavy equipment shall not be operated on the project area when soils reach field capacity.

(c) Heavy equipment shall not be operated on known potential or active slide areas.

### **§ 1545.4. Hazard Reduction.**

(a) Slash that is created by the project shall be treated by chipping, piling and burning, burying, lopping or otherwise removing as recommended by the area Fire Control Officer.

(b) Any burning shall be in compliance with applicable forest, fire, and pollution regulations.

### **§ 1545.5. Use of Chemicals.**

Chemicals used for forest improvement work shall be applied in accordance with all federal, state, and local laws and regulations.

### **§ 1545.6. Stocking Levels.**

Unless the Director recommends otherwise, the minimum stocking level at completion of a planting project shall be:

(a) 400 trees per acre (988 trees per ha) (10.44 foot (3.18 m) spacing) on Site III and better lands.

(b) 200 trees per acre (494 trees per ha) (14.76 foot (4.50 m) spacing) on Site IV and V lands.

### **§ 1545.7. Species Selection.**

Commercial tree species shall be used for reforestation projects consisting of site preparation and planting practices except that up to 10% of the area may be planted with other species in the interest of maintaining species diversity and wildlife habitat. Non-commercial species may be used in projects consisting of forest land conservation measures and fish and wildlife habitat improvement practices. In any case, the tree species used for any project financed by a cost sharing agreement pursuant to this Chapter shall be silviculturally adaptable to the specific site named in the agreement and the use of said species shall be subject to the approval of the Director.



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### **§ 1545.8. Special Treatment Areas.**

No practice may be performed in special treatment areas except in such cases where the area has been substantially damaged or where the proposed practice will improve the resource values which have prompted the appropriate public agency to designate the area a special treatment area. In any case, an environmental review shall be conducted in the manner set forth in 14 CAC 1532.2 for all projects within special treatment areas.

### **§ 1545.9. Insect Control.**

Pre-commercial thinning in Ponderosa Pine and Jeffrey Pine shall be limited to between May 15 and November 1 unless adequate measures are taken to prevent the infestation of the residual stand with IPS and/or dendroctonus beetles.